

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert D. Hill

Title: METHOD OF MODIFYING  
PLANT PHENOTYPES WITH  
NONSYMBIOTIC  
HEMOGLOBIN

Appl. No.: Unassigned

Filing Date: June 9, 2006

Examiner: Unassigned

Art Unit: Unassigned

Confirmation Number: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry into the national stage, as set forth in 37 CFR §1.491.

**RELEVANCE OF EACH DOCUMENT**

Each document listed on the attached PTO/SB/08 was cited in the International Search Report of the corresponding PCT application. A copy of the International Search Report is attached. Each document is in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application, and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 9, 2006

By Courtenay C. Brinckerhoff

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: June 9, 2006  <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>	
			Application Number	Unassigned <b>10/582321</b>
			Filing Date	June 9, 2006
			First Named Inventor	Dr. Robert D. Hill
			Group Art Unit	Unassigned
			Examiner Name	Unassigned
Sheet 1 of 1			Attorney Docket Number	049280-0102

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	6,372,961	B1	Tarczynski et al.	Apr. 16, 2002	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	A2		WO 00/00597		GUY et al.	Jan. 6, 2000	
	A3		WO 2004/087755	A2	MULET et al.	Oct. 14, 2004	
	A4		WO 98/12913		BAILEY et al.	Apr. 2, 1998	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A5	HOLMBERG et al., "Transgenic Tobacco Expressing Vitreoscilla Hemoglobin Exhibits Enhanced Growth and Altered Metabolite Production", <i>Nature Biotechnology</i> , Vol. 15, 1997, pgs. 244-247.	
	A6	HUNT et al., "Increased Level of Hemoglobin 1 Enhances Survival of Hypoxic Stress and Promotes Early Growth in Arabidopsis Thaliana", <i>Proc. Natl. Acad. Sci. USA</i> , Vol. 99, No. 26, 2002, pgs. 17197-17202.	
	A7	IGAMBERDIEV et al., "NADH-Dependent Metabolism of Nitric Oxide in Alfalfa Root Cultures Expressing Barley hemoglobin", <i>PLANTA</i> , Vol. 219, 2004, pgs. 95-102.	

Examiner Signature	Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.